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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,882	07/07/2005	Markus Harnisch	AT03 0001 US	6244
65913	7590	09/21/2007	EXAMINER	
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			MANDADI, YESHOROCHAN K	
			ART UNIT	PAPER NUMBER
			2609	
			NOTIFICATION DATE	DELIVERY MODE
			09/21/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No. 10/541,882	Applicant(s) HARNISCH ET AL.	
	Examiner Yeshorohan K. Mandadi	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 2, 4, 5, 9 – 12, 14 – 15, 18 – 21, 23 – 25, and 28 – 29**, rejected under 35 U.S.C. 102(e) as being anticipated by **Bjorndahl (US 6,396,612)**.

Regarding **claims 1, 11, and 20**, Bjorndahl teaches the communication partner device, the circuit for a communication partner device, and the communication enabling method for enabling communication over a first communication channel between a communication partner device which belongs to a communication system having at least two such communication partner devices and **[Bjorndahl: C1, L9 – 11; Figure 2]**

which is designed to communicate with another communication partner device of the communication system over a first communication channel, **[Bjorndahl: C3, L66 – 67; Bjorndahl: C4, L1 – 5; Figure 2, 20 – 21]**

wherein one of the two communication partner devices contains a communication enable information item which is used to enable communication between the one communication partner device and the other communication

partner device over the first communication channel, and [Bjorndahl: C5, L54 – 58]

which is designed to interact with an electrical circuit, which circuit has circuit parts for forming communication means which are designed for contact less communication with communication means of the other communication partner device over a second communication channel and which, [Bjorndahl: C4, L34 – 38; F3]

in the event of communication over the second communication channel, are designed to make available the communication enable information item (**encryption key**), necessary for enabling communication over the first communication channel, in the communication partner device which prior to communication over the second communication channel does not yet contain the communication enable information item (**encryption key**). [Bjorndahl: C5, L14 – 17, L22 – 27, and L61 – 65]

Regarding claims 2, 12, and 21, Bjorndahl teaches the communication partner device, the circuit, and the method as claimed in claims 1, 12, and 20, wherein the communication means are designed to make available the communication enable information item (**encryption key**) directly after the start of communication over the second communication channel. [Bjorndahl: C5, L61 – 65; Figure 2]

Regarding claims 4, 14, and 23, Bjorndahl teaches communication partner device, circuit, and method as claimed in claims 1, 11, and 20, wherein

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the communication means are designed to receive the communication enable information item (**encryption key**), contained in the other communication partner device, over the second communication channel, and **[Bjorndahl: C5, L22 – 27]**

wherein the circuit has a provision stage which is designed to provide the communication enable information item (**encryption key**), received by the communication means, for enabling communication over the first communication channel. **[Bjorndahl: C5, L13 – 18]**

Regarding **claims 5 and 24**, Bjorndahl teaches the communication partner device and the method as claimed in claims 1 and 20, wherein communication start means are provided which are designed to interact with the communication means and are designed to use the communication enable information item (**encryption key**) of the other communication partner device, **[Bjorndahl: C5, L34 – 38]**

which can be made available, to start communication with the other communication partner device over the first communication channel as soon as the communication enable information item (**encryption key**) has been made available by the communication means. **[Bjorndahl: C5, L38 – 40]**

Regarding **claim 9, 18, and 28**, Bjorndahl teaches the communication partner device, circuit, and method as claimed in claims 1, 11, and 20, wherein the communication enable information item (**encryption key**) contains an interface designation information item which signifies an interface that is available in the communication partner device containing the communication

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enable information item (**encryption key**), which interface is designed for communication over the first communication channel. [Bjorndahl: C3, L20 – 25; C5, L34 – 38]

Regarding claims 10, 19, and 29, Bjorndahl teaches the communication partner device, circuit, and method as claimed in claims 1, 11, and 20, wherein the communication enable information item (**encryption key**) contains a communication partner designation information item which signifies the communication partner device that contains the communication enable information item. [Bjorndahl: C5, L54 – 58]

Regarding claims 15 and 25, Bjorndahl teaches the circuit and the method as claimed in claims 11 and 20, wherein the circuit has an interrogation stage which is designed to interrogate the communication enable information item contained in the communication partner, and [Bjorndahl: C4, L49 – 51; Figure 3]

wherein the communication means are designed to transmit the communication enable information item, which can be interrogated, to the communication means of the other communication partner device over the second communication channel. [Bjorndahl: C5, L22 – 27]

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 3, 13, and 22**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bjorndahl (US 6,396,612)** in view of **Nyberg et al. (US PG Pub 2002/0186846)**.

Regarding **claims 3, 13, and 22**, teaches the communication partner device, circuit, and method as claimed in claims 2, 12, and 21, wherein the communication means are designed, in the event of communication over the second communication channel, to communicate in accordance with a communication protocol, and **[Bjorndahl: C2, L21 -24; C5, L46 - 49]**

However, Bjorndahl fails to specifically teach that the communication means are designed to make available the communication enable information item (**encryption key**) by using at least one of two activation commands of the

communication protocol and that the activation commands can be communicated between the two communication partner devices in accordance with the communication protocol as first commands over the second communication channel and are provided in order to activate communication in compliance with the communication protocol.

In related prior art, Nyberg specifically discloses that the communication means are designed to make available the communication enable information item (**encryption key**) by using at least one of two activation commands of the communication protocol, **[Nyberg: P1, L19 - 28]**

which activation commands can be communicated between the two communication partner devices in accordance with the communication protocol as first commands over the second communication channel and are provided in order to activate communication in compliance with the communication protocol. **[Nyberg: P19, L40 - 46]**

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine the dual channels of Bjorndahl with the two activation commands of Nyberg in order to better facilitate secure data communication.

6. Claims 6 – 8, 16 – 17, and 26 – 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bjorndahl (US 6,396,612)** in view of **Kinoshita (PG Pub 2003/0007641)**.

Regarding **claim 6**, Bjorndahl teaches that the circuit has an interrogation stage (**processor**) which is designed to interrogate the communication enable information item (**encryption key**) [Bjorndahl: C4, L49 - 51]

However, Bjorndahl fails to teach that the communication partner device as claimed in claim 1, wherein the communication partner device has storage means (**memory**) which are provided for storing the communication enable information item contained therein, and that the communication means are designed to transmit the communication enable information item (**encryption key**), which can be interrogated, to the communication means of the other communication partner device over the second communication channel (**wireless channel**).

In related prior art, Kinoshita specifically teaches that the communication partner device has storage means (**memory**) which are provided for storing the communication enable information item contained therein, and [Kinoshita: P26, L1 - 3; Figure 1, 31] and that the communication means are designed to transmit the communication enable information item (**encryption key**), which can be interrogated, to the communication means of the other communication partner device over the second communication channel (**wireless channel**). [Kinoshita: P27, L3 - 9]

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine the interrogation stage with the storage capability of Kinoshita in order to store the encryption key for further manipulation

Regarding claims 7, 16, and 26, Bjorndahl teaches the communication partner device, circuit, and method as claimed in claim 1, 11, and 20, wherein the communication enable information item (**encryption key**) designed for communication over the first communication channel. [Bjorndahl: C3, L20 – 25; C5, L34 - 38]

However Bjorndahl fails to specifically disclose that the communication enable information item (**encryption key**) contains an interface type information item which signifies a type of interface that is available in the communication partner device containing the communication enable information item (**encryption key**).

In related prior art, Kinoshita specifically discloses communication partner device as claimed in claim 1, wherein the communication enable information item (**encryption key**) contains an interface type information item which signifies a type of interface that is available in the communication partner device containing the communication enable information item (**encryption key**), which interface is designed for communication over the first communication channel. [Kinoshita: P31, L7 - 11]

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine the teachings of Bjorndahl with the interface specific requirements of Kinoshita in order to specify which communication network to use, i.e. Bluetooth, Infrared, or wireless.

Regarding **claim 8, 17, and 27**, Bjorndahl teaches the communication partner device, circuit, and method as claimed in claim 7, 16, and 26, wherein the communication enable information item (**encryption key**) is disclosed.

[Bjorndahl: C6, L20 - 25]

However, Bjorndahl fails to specifically disclose that the communication enable information item (**encryption key**) contains in addition to the interface type information item, an interface (**Infrared**) preference information item which signifies an interface that is preferred in the communication partner device containing the communication enable information item (**encryption key**).

In related prior art, Kinoshita specifically discloses that the communication enable information item (**encryption key**) contains in addition to the interface type information item, an interface (**Infrared**) preference information item which signifies an interface that is preferred in the communication partner device containing the communication enable information item (**encryption key**).

[Bjorndahl: C6, L20 - 25]

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine the teachings of Bjorndahl with the interface preference information item of Kinoshita in order to specify which interface is the preferred one to use.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Griffin et al. (US PG Pub 2002/0044136)

8. Any response to this Office Action should be **faxed** to (571) 273-8300 or **mailed to:**

Commissioner for Patents ,
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yeshorohan K. Mandadi whose telephone number is (571) 270-1658. The examiner can normally be reached on M-T(8am-5pm) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571) 272 - 7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yeshorohan Mandadi

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